

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

COLE HOOKER,

Petitioner,

v.

Case No. 08-11355  
Honorable David M. Lawson

HUGH WOLFENBARGER,

Respondent.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING THE  
PETITION FOR A WRIT OF HABEAS CORPUS, AND DENYING A CERTIFICATE  
OF APPEALABILITY**

Presently before the Court is the report issued on May 12, 2010 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b). Judge Komives recommends that this Court deny the petitioner's petition for a writ of habeas corpus and deny the petitioner a certificate of appealability because the state court's rulings did not result in a decision that was contrary to or which involved an unreasonable application of clearly established federal law.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 11] is **ADOPTED**.

It is further **ORDERED** that the petitioner's petition for a writ of habeas corpus [dkt. # 1] is **DENIED**.

It is further **ORDERED** that the certificate of appealability is **DENIED**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: June 7, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 7, 2010.

s/Teresa Scott-Feijoo  
TERESA SCOTT-FEIJOO